

Message Text

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AMEMBASSY COPENHAGEN
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AMEMBASSY MOSCOW
AMEMBASSY STOCKHOLM
USMISSION USUN NEW YORK
USMISSION NATO

S E C R E T SECTION 1 OF 2 OSLO 2722

LIMDIS

BRUSSELS FOR USEEC

E.O. 11652: GDS
TAGS: EFIS, PBOR, NO
SUBJECT: SVALBARD FISHERY PROTECTION ZONE

REF: (A) OSLO 2662, (B) STATE 128434, (C) OSLO 105, (D) OSLO 2566

1. BEGIN SUMMARY. THIS CABLE CONTAINS FURTHER INFORMATION PROVIDED
BY THE NORWEGIAN FOREIGN MINISTRY ON NORWAY'S REGULATIONS ESTABLISHIN
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A FISHERY PROTECTION ZONE AROUND SVALBARD (OSLO 2662), INCLUDING
NORWAY'S PLANS TO CONSULT WITH THE FRG, UK, USSR, AND THE US ON THE
CONSERVATION REGIME TO BE ERECTED IN THE ZONE. IT ALSO CONTAINS PRE-
LIMINARY EMBASSY COMMENTS ON NORWAY'S RATIONALE FOR ESTABLISHING THE
ZONE AT THIS TIME. EMBASSY WILL SEND BY SEPTTEL ITS VIEWS AND
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RECOMMENDATIONS ON STATE 128434 ON A US RESERVATION ON THE ZONE.
END SUMMARY.

2. DIRECTOR GENERAL OF LEGAL DEPARTMENT IN FOREIGN MINISTRY
KJELL ELIASSEN CALLED IN E/C COUNSELOR AND REPRESENTATIVES OF
BRITISH AND GERMAN EMBASSIES ON AFTERNOON OF JUNE 3 TO REVIEW
REGULATIONS APPROVED EARLIER IN DAY BY THE CABINET WHICH

ESTABLISHED A "FISHERY PROTECTION ZONE" (FPZ) AROUND SVALBARD AS OF JUNE 15. (SEE OSLO 2662 FOR TEXT OF REGULATIONS.) ELIASSEN HAD HEADED INTER-AGENCY COMMITTEE ON FPZ.

3. ELIASSEN MADE IT CLEAR THAT THE REGULATIONS DID NOT CREATE AN ECONOMIC ZONE AROUND SVALBARD, ALTHOUGH HE MAINTAINED THE RIGHT OF NORWAY TO DO SO, AND WAS LIMITED TO FISHING. HE ALSO STATED THE NORWEGIAN POSITION THAT ARTICLE 2 OF THE 1920 SPITZBERGEN TREATY DOES NOT RPT NOT APPLY TO THE FPZ AND REITERATED NORWAY'S CLAIM THAT SVALBARD HAS NO CONTINENTAL SHELF OF ITS OWN.

4. ELIASSEN POINTED OUT THAT THE REGULATIONS PROVIDE FOR GLOBAL NOT RPT NOT NATIONAL QUOTAS. THIS WILL PUT ALL COUNTRIES WHICH FISH AROUND SVALBARD ON AN EQUAL, FIRST COME FIRST SERVED BASIS. NATIONAL QUOTAS, HE SAID, WOULD HAVE HAD TO BE BASED ON HISTORIC FISHING IN THE AREA. THIS WOULD HAVE "FOREVER CEMENTED SOVIET DOMINATION" IN THE AREA, ELIASSEN SAID, SINCE THE USSR WAS THE BIGGEST FOREIGN FISHING COUNTRY THERE BY ANY HISTORICAL MEASURE. HE ADDED, THAT IT WOULD ALSO BE NEARLY IMPOSSIBLE TO FIND A BASIS FOR NATIONAL QUOTAS SATISFACTORY TO ALL INTERESTS.

5. ELIASSEN SAID NORWEGIAN MINISTRY OF FISHERIES WOULD CONSULT WITH MAJOR INTERESTED COUNTRIES--THE EEC, ON BAHALF OF WEST GERMANY AND BRITAIN, AND THE USSR AS WELL AS THE UNITED STATES--BEFORE DRAWING UP QUOTAS AND OTHER DETAILED CONSERVATION PROVISIONS OF THE FPZ REGIME UNDER ARTICLE 3 OF THE REGULATIONS ESTABLISHING THE SVALBARD ZONE.

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THESE CONSULTATIONS WOULD TAKE, HE THOUGHT, MOST OF THE SUMMER SO THAT QUOTAS, ETC. WOULD PROBABLY NOT BE INTRODUCED UNTIL THE FALL. THE CONSULTATIONS WITH THE U.S., HE ADDED, WOULD PROBABLY BE LIMITED TO KEEPING EMBASSY OSLO ADVISED OF NORWAY'S INTENTIONS AND OF DEVELOPMENTS SINCE, UNLIDE THE FRG, UK, AND USSR, THE U.S. DOES NOT FISH IN THE SVALBARD AREA. HE STRESSED THAT THESE CONSULTATIONS DO NOT FOLLOW FROM THE 1920 TREATY BUT MERELY REPRESENT AN EFFORT TO TAKE INTO ACCOUNT THE VIEWS OF COUNTRIES WITH A MAJOR INTEREST.

6. FOREIGN MINISTER FRYDENLUND, ELIASSEN SAID, WAS INFORMING THE SOVIETS ABOUT ESTABLISHMENT OF THE FPZ. HE EXPECTED SOVIETS WOULD OBJECT STRONGLY TO FPZ. JUST LAST WEEK SOVIET AMBASSADOR KIRICHENKO HAD REMINDED FOREIGN MINISTRY, ELIASSEN ADDED, OF SOVIET VIEWS THAT NORWAY WOULD NOT UNILATERALLY ESTABLISH AND FPZ (SEE ALSO OSLO 105) AND THAT ARTICLE 9 OF THE 1920 TREATY WOULD APPLY TO ANY ZONE ESTABLISHED. (ARTICLE 9 BINDS NORWAY NOT TO CREATE OR ALLOW TO BE CREATED MILITARY FACILITIES ON SVALBARD.) ELIASSEN SAID NORWAY WOULD NOT ESTABLISH A COAST

GUARD BASE ON SVALBARD BUT WOULD PATROL FPZ FROM MAINLAND BASES.

7. ESTABLISHMENT OF FPZ CREATES A NEW "GRAY ZONE" WHERE FPZ OVERLAPS SOVIET SECTOR LINE BOUNDARY CLAIM, ELIASSEN REVEALED. NEW GRAY ZONE IS IMPORTANT CAPELINE FISHING AREA. ELIASSEN DID NOT BELIEVE LOS MINISTER EVENSEN WOULD RAISE FISHING IN NEW GRAY ZONE WHEN HE GOES TO MOSCOW JUNE 13 TO DISCUSS FISHING IN GRAY ZONE TO THE SOUTH OF IT OFF THE MAINLAND (OSLO 2566). HOWEVER, HE ADMITTED THAT ISSUE MIGHT COME UP SINCE THE NORWEGIAN FISHERIES MIANITRY, WHICH IS RESPONSIBLE FOR THE PROPOSED CONSULTATIONS ON THE FPZ REGIME, WILL PARTICIPATE IN THE EVENSEN TALKS AND HOLD SEPARATE FISHING TALKS WITH THE SOVIETS AT THE SAME TIME.

8. ELIASSEN SAID IT HAD BEEN DECIDED TO MOVE AGEAN WITH THE FPZ NOW BEFORE THE NORWEGIAN PARLIAMENT ADJOURNED ON JUNE 10 SINCE PARLIAMENT WOULD NOT MEET AGAIN UNTIL LATE SEPTEMBER, THE GOVERNMENT HAD PROMISED TO CONSULT IT BEFORE GOING AHEAD
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WITH AN FPZ, AND THE GOVERNMENT HAD SAID IT WOULD ESTABLISH AN FPZ IN THE SPRING OR EARLY SUMMER.

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FM AMEMBASSY OSLO

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INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

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9. COMMENT: ALTHOUGH SUGAR COATED WITH NONDISCRIMINATION AND GLOBAL QUOTAS, ELIASSEN MADE IT CLEAR THAT THIS IS A UNILATERAL EXTENSION OF SOVEREIGNTY BY NORWAY OVER FISHING IN THE WATERS AROUND SVALBARD AND A REJECTION OF ANY CLAIM TO FISHING RIGHTS IN THE FPZ UNDER THE 1920 TREATY OF OTHER TREATY PARTIES. NORWAY BASIS ITS RIGHT TO EXTEND UNILATERALLY ON ITS SOVEREIGNTY OVER SVALBARD UNDER THE TREATY, BUT ASSERTS THAT ARTICLE 2 OF THE TREATY DOES NOT APPLY TO WATERS OUTSIDE OF TERRITORIAL WATERS. (ARTICLE 2 OF THE TREATY GIVES ALL TREATY PARTIES THE RIGHT TO "ENJOY EQUALLY THE RIGHTS OF FISHING AND HUNTING IN THE TERRITORIES SPECIFIED IN ARTICLE 1 AND IN THEIR TERRITORIAL WATERS.") UNDER THIS POSITION NORWAY COULD, AND ELIASSEN AGREED, ESTABLISH AT ANY TIME AN ECONOMIC ZONE AROUND SVALBARD. THE FACT THAT IT HAS CHOSEN NOT TO
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DO SO AT THIS TIME DOES NOT MEAN IT WILL NOT IN THE FUTURE.

10. NO DOUBT DOMESTIC POLITICAL CONSIDERATIONS WERE THE PRIME FACTOR FOR THE GOVERNMENT'S DECISION TO PROCEED AT THIS TIME. NORTH NORWAY, WHERE INTEREST IN THE FISHING QUESTION IS HIGH AND FISHING IS EXTREMELY IMPORTANT, IS KEY TO THE LABOR PARTY'S FALL NATIONAL ELECTION HOPES. WITH A BACKGROUND OF FALTERING LABOR SUPPORT IN THE NORTH, THE GOVERNMENT HAS PROMISED FOR SOME TIME NOW THAT THE SVALBARD FISHERY ISSUE WILL BE HANDLED SOON. WITH THE STORTING CLOSING THIS WEEK THE MAJOR OPPORTUNITY TO CONSULT WITH THE LEGISLATURE ON THE ISSUE WOULD BE FORECLOSED UNTIL AFTER THE ELECTION.

11. THE BENEFITS OF THE FPZ, HOWEVER, MAY NOT BE AS GREAT AS THE GOVERNMENT HOPES. NORTH NORWAY'S FISHERMEN, FOR EXAMPLE, ARE UNLIKELY TO BE ATTRACTED TO A NON-DISCRIMINATORY, FIRST COME FIRST SERVED REGIME FOR FISHING IN AN AREA WHICH THEY CONSIDER LARGELY THEIR OWN, EVEN THOUGH THEY CAN BE EXPECTED TO WELCOME ESTABLISHMENT OF NORWEGIAN JURISDICTION OVER FISHERIES IN THE AREA.

12. IN ADDITION THE FPZ DECISION WILL COMPLICATE GON RELATIONS IN THE NORTH PARTICULARLY WITH THE USSR, WHICH HAS ALREADY EXPRESSED ITS OPPOSITION TO THE FPZ. NORWAY RECOGNIZED THIS IN DEFERRING PREVIOUS PLANS TO INTRODUCE AN FPZ IN EARLY 1977 IN THE HOPE IT COULD FIRST NEGOTIATE AN AGREEMENT WITH THE SOVIETS ON FISHING IN THE GRAY ZONE OFF THE MAINLAND AND COULD AVOID POSSIBLE INTRODUCTION OF ANOTHER CONTENTIOUS ISSUE INTO THOSE NEGOTIATIONS. THIS STRATEGY HAS OBVIOUSLY BEEN

ABANDONED AND MAY EVEN HAVE BACKFIRED IN VIEW OF RESUMPTION OF
THE NEGOTIATIONS ON JUNE 13, ONLY 10 DAYS AFTER ANNOUNCEMENT
OF ESTABLISHMENT OF THE FPZ.

13. THE CREATION OF THE GON FPZ RAISES SOME ADDITIONAL QUESTIONS,
FOR EXAMPLE, ABOUT HOW THE GON HAS CHOSEN TO DEFINE THE ZONE
BETWEEN BEAR ISLAND AND THE MAINLAND. THE EMBASSY IS
SENDING SEPTTEL DISCUSSING THESE ISSUES AND SETTING FORTH
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ITS VIEWS AND RECOMMENDATIONS CONCERNING THE CONSIDERATION
OF US ACTION ON THE FPZ AND THE LEVEL AND TIMING FOR PRE-
SENTATION OF ANY US RESERVATION.
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